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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MARK SNOOKAL, an individual,

Plaintiff,

vs.

CHEVRON USA, INC., a California
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

) CASE NO.: 2:23-cv-6302-HDV-AJR
)
) **PLAINTIFF MARK SNOOKAL'S**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **DEFENDANT CHEVRON USA, INC.'S**
) **MOTION IN LIMINE NO. 2 TO**
) **EXCLUDE ANY EXPERT TESTIMONY**
) **FROM DR. ALEXANDER**
) **MARMUREANU**
)
) *[Filed concurrently with the Declaration of*
) *Olivia Flechsig in Support of Plaintiff's*
) *Opposition to Defendant's Motion in Limine*
) *No. 2 and [Proposed] Order Denying*
) *Defendant's Motion in Limine No. 2]*
)
) District Judge: Hon. Hernan D. Vera
) Magistrate Judge: Hon. A. Joel Richlin
) Action Filed: August 3, 2023
) Trial Date: August 19, 2025
)
) Hearing Date: July 24, 2025
) Hearing Time: 10:00 a.m.
) Courtroom: 5B
)
)

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Chevron USA, Inc. (“Defendant” or “Chevron”) submits as its purported cardiology experts, two doctors who have limited to no experience treating patients with Plaintiff Mark Snookal’s specific disability – a heart condition called a dilated aortic root. They admittedly failed to consider a number of factors which would mitigate Mr. Snookal’s risk of a serious cardiac event and admitted that they did not consult any directly-applicable studies before rendering their opinions about Mr. Snookal’s dilated aortic root. They also admitted that they did not review any job description for the Reliability Engineering Manager position in question before rendering their opinions, nor did they review any of Mr. Snookal’s records other than one set of scans from one point in time.

Nonetheless, Chevron challenges the admissibility of expert testimony by Plaintiff’s cardiology expert, Dr. Alexander Marmureanu (“Dr. Marmureanu”) who has thirty-five years of experience as a cardiothoracic surgeon. (Declaration of Olivia Flechsig in Support of Plaintiffs’ Opposition to Defendant’s Motion in Limine No. 1 (“Flechsig Decl.”) at ¶ 4, Exhibit B.) He has not only reviewed thousands of studies about Mr. Snookal’s specific heart condition during his career, he also actively treats numerous patients with the condition. (Id. at ¶ 4, Exhibit B.) With respect to rendering opinions about Mr. Snookal specifically, he reviewed significantly more information than any of Chevron’s purported experts before formulating his judgment and conducted additional review of the applicable medical research with respect to Mr. Snookal. (Id. at ¶ 4, Exhibit B.) Despite Chevron’s assertions to the contrary, Dr. Marmureanu testified to having reviewed, among other items, a job description for the Reliability Engineering Manager Position in question and deposition testimony describing the remote location of Escravos, Nigeria and the medical capabilities there at the job location. (Id. at ¶ 4, Exhibit B.) He also documented having consulted this documentation in his expert report. (Id. at ¶ 5, Exhibit C.)

Dr. Marmureanu’s expected testimony readily meets the standards imposed by Federal Rule of Evidence 702 and Federal Rule of Evidence 403. Plaintiff Mark Snookal (“Plaintiff” or “Mr. Snookal”) therefore respectfully submits that it would be improper to exclude Dr. Marmureanu from providing his intended expert testimony, which bears directly upon a central

1 factual question: can Chevron apply a “direct threat” defense to its decision to rescind a job offer
2 from Mr. Snookal because of his disability?

3 **I. FACTUAL OVERVIEW**

4 Chevron is Plaintiff Mark Snookal’s (“Plaintiff” or “Mr. Snookal”) former employer.
5 After Chevron offered Mr. Snookal a job position as a Reliability Engineering Manager in
6 Escravos, Nigeria, Chevron rescinded the offer because Mr. Snookal disclosed his disability (a
7 dilated aortic root) during a medical suitability screening. Chevron claimed rescinding the job
8 was proper because Mr. Snookal posed a future risk to himself in the hypothetical event that he
9 suffered a serious cardiac event and required immediate medical rescue from the job site.
10 Chevron made the decision to deem Mr. Snookal “not fit for duty” against the recommendations
11 of Mr. Snookal’s treating cardiologist and of the doctor Defendant assigned to evaluate Mr.
12 Snookal’s medical clearance. Defendant also doubled down on its decision despite the opinions
13 of several other doctors who noted Mr. Snookal’s negligible risk of serious cardiac event.
14 Accordingly, Mr. Snookal has brought a claim for disability discrimination in violation of the
15 California Fair Employment and Housing Act (“FEHA”) for the rescission of the job position.

16 Whether Defendant can assert a “direct threat” affirmative defense for rescinding the
17 position hinges upon whether Defendant applied “*reasonable medical judgment that relies on*
18 *the most current medical knowledge or on the best available objective evidence*” considering the
19 duration of the risk; the nature and severity of the potential risk; the likelihood that the potential
20 harm would have occurred; how imminent the potential harm; and relevant information
21 regarding Mr. Snookal’s employment history. Cal. Code Regs., tit. 2, § 11067 *et seq.*
22 (italicization added.)

23 **II. ARGUMENT**

24 **A. Dr. Marmureanu’s Expected Expert Opinions Are Based Upon Sufficient Facts**
25 **and Data and Reflect Reliable Application of Principles and Methods**

26 Federal Rule of Evidence 702 provides in relevant part that “[a] witness who is qualified
27 as an expert by knowledge, skill, experience, training, or education may testify in the form of an
28 opinion or otherwise if the proponent demonstrates to the court that it is more likely than not

1 that:

- 2 (a) the expert's scientific, technical, or other specialized knowledge will help the trier of
3 fact to understand the evidence or to determine a fact in issue;
4 (b) the testimony is based on sufficient facts or data;
5 (c) the testimony is the product of reliable principles and methods; and
6 (d) the expert's opinion reflects a reliable application of the principles and methods to the
7 facts of the case.”

8 Fed. R. Evid. 702.

9 Contrary to Chevron's assertions, which decontextualize and distort information from Dr.
10 Marmureanu deposition testimony, Dr. Marmureanu's anticipated expert testimony readily
11 meets these standards.

12 Though Defendant does not take issue with Dr. Marmureanu's qualifications generally, it
13 argues that Dr. Marmureanu should be excluded as an expert because he did not sufficiently
14 research, or have sufficient facts relating to, Mr. Snookal's fitness for duty in Escravos, Nigeria
15 specifically. First, Defendant misleadingly claims that Dr. Marmureanu “admit[ed] his opinion
16 is not based on any research whatsoever as to the location of the Reliability Engineering
17 Manager job in Escravos, Nigeria” or of the emergency medical facilities available in that
18 remote location. (Defendant's Memorandum of Points and Authorities in Support of its Motion
19 in Limine No. 2 at p. 2:10-11; 2:20-22.) As a preliminary matter, that is not an accurate
20 representation of Dr. Marmureanu's deposition testimony. To the contrary, Dr. Marmureanu
21 testified that he reviewed *numerous* documents from this case before formulating his opinion as
22 to Mr. Snookal's fitness for duty and the potential risks associated with his disability. (Flechsigg
23 Decl. at ¶ 4, Exhibit B/2-6.) One such set of documents he reviewed was the deposition
24 transcript of Chevron's purported cardiology expert, Dr. Ujomoti Akintunde. (Id. at ¶ 4, Exhibit
25 B/12-14) Dr. Akintunde testified to having worked onsite in Escravos, Nigeria and testified to
26 the remoteness of Escravos, Nigeria, and described the onsite medical capabilities, and Dr.
27 Marmureanu reviewed this before formulating an opinion. (Id.)

28 Moreover, Dr. Marmureanu opined that regardless of the remoteness of the location, and

1 regardless of what emergency medical care is (or is not) available in Escravos, his opinions stand
2 because those external factors do not influence Mr. Snookal's negligible odds of suffering a
3 cardiac event. They also do not influence Dr. Marmureanu's recommendations for preventative
4 management of Mr. Snookal's condition, nor does it change his opinions regarding Mr.
5 Snookal's ability to have safely completed the job duties of the Reliability Engineering Manager
6 position. (Id. at ¶ 4, Exhibit B/10-13.) Because Mr. Snookal's risk of needing emergency rescue
7 from the remote location was so low, it does not change his recommendation. In short, Dr.
8 Marmureanu expressed that Mr. Snookal was "fit to work in any location in the world, including
9 in that location. So I don't find it necessary to study the condition in that place. I believe he
10 would be fit to work in Alaska, the base of the Himalaya, in Africa, anywhere else, South
11 America, etc." (Id.) Dr. Marmureanu's assessment that Mr. Snookal was fit to work in any
12 location, is based upon both his thirty-five years of experience treating patients with a dilated
13 aortic root, and treating patients whose dilated aortic root has ruptured or dissected. (Id. at ¶ 4,
14 Exhibit B/7-8.) It was also based upon his up to date knowledge of the medical literature, articles
15 he specifically reviewed to formulate an opinion with respect to Mr. Snookal, and the relevant
16 documents he reviewed from this case. (Id. at ¶ 6-8.)

17 Next, Defendant claims that Dr. Marmureanu testified that "he believes Plaintiff can do
18 the job in Escravos, Nigeria because it is a 'desk job' but he has 'no idea where he got that
19 information' and does not even know what a Reliability Engineering Manager job is.")
20 (Defendant's Memorandum of Points and Authorities in Support of its Motion in Limine No. 2
21 at p. 2:11-14). Dr. Marmureanu testified about having reviewed case-specific documents, and he
22 listed them in his expert report. However, Dr. Marmureanu could not during his deposition recall
23 which of the specific documents contained the information about the Reliability Engineering
24 Manager position being a "desk job." However, he specifically said he "read the assignment job
25 at the time" he prepared his report. (Flechsig Decl. at ¶ 4, Exhibit B/12-14; see also Id. at
26 Exhibit ¶ 5, Exhibit C in which Dr. Marmureanu lists the documents he consulted in preparing
27 his report). Regardless, Dr. Marmureanu is correct in recalling that the Reliability Engineering
28 Manager position is a desk-based job, and the Physical Working Requirements form Chevron

1 prepared with respect to that position reflects that the role was “office based” and had no
2 strenuous components whatsoever. (Id. at ¶ 3, Exhibit 5.) Chevron’s claims about Dr.
3 Marmureanu misapplying the facts are simply untrue.

4 **B. Dr. Marmureanu’s Expert Testimony is Highly Probative, and Any Negligible**
5 **Risk of Prejudice or Cumulativeness Does Not Substantially Outweigh the**
6 **Value of His Testimony**

7 Next, Defendant argues that Dr. Marmureanu’s expert testimony should be excluded
8 pursuant to Federal Rule of Evidence 403. Rule 403 provides in relevant part that, the “court
9 may exclude relevant evidence if its probative value is substantially outweighed by a danger of
10 one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue
11 delay, wasting time, or needlessly presenting cumulative evidence.” Fed. R. Evid. 403. That
12 high standard is not met here.

13 Parties agree that Defendant must have applied “a reasonable medical judgment that
14 relies on the most current medical knowledge and/or on the best available objective evidence” in
15 order to succeed on its direct threat defense. (Defendant’s Motion in Limine No. 1 at p. 6:3-5
16 quoting Cal. Code Regs. Tit. 2, § 11067(e)). However, because Dr. Marmureanu was not
17 involved in Chevron’s decision at the time it was made in 2019, Chevron asserts that Dr.
18 Marmureanu testimony will risk confusing the jury. If Chevron’s logic is correct, this would
19 seemingly preclude all medical experts retained by Plaintiff from testifying in “direct threat”
20 defense cases, despite the central importance of the application of a reasonable medical
21 judgment. Further, Chevron offers no evidence that Dr. Marmureanu’s opinions are not an
22 accurate reflection of “the most current medical knowledge and/or on the best available
23 objective evidence.” To the contrary, Dr. Marmureanu reviewed Mr. Snookal’s medical records
24 through the time Chevron rendered its opinion regarding Mr. Snookal’s purported risks.
25 (Flechsigs Decl. at ¶ 5, Exhibit C/1-7.)

26 Next, Defendant argues that Dr. Marmureanu’s testimony would be “unnecessarily
27 cumulative” and a potential waste of time because “there has never been a dispute that the risk is
28 low.” (Defendant’s Motion in Limine No. 1 at p. 7:24-27). However, Chevron’s purported


1 cardiology experts, Drs. Adeyeye and Akintunde, are not sufficiently qualified to opine about
2 Mr. Snookal's margins of risk for serious cardiac event. (See generally, Plaintiff's Motions in
3 Limine No. 1 – Daubert Motion to Exclude Purported Expert Testimony of Dr. Adeyeye and
4 No. 2 – Daubert Motion to Exclude Purported Expert Testimony of Dr. Akintunde). Further, it is
5 not sufficient that all of the doctors agreed Mr. Snookal is “low risk” generally. Chevron asserts
6 that Mr. Snookal's risk of serious cardiac event was so high enough that it posed a “substantial
7 and imminent risk” of death to Mr. Snookal. Dr. Marmureanu disagrees and explains that Mr.
8 Snookal's risk of serious cardiac event while in Escravos was so low, around 0.5% per annum,
9 that he would clear Mr. Snookal for duty in *any location*. (Flechsigs Decl. at ¶ 5, Exhibit C/1-7.)
10 This dispute is at the core of Mr. Snookal's disability discrimination claim, and the central
11 relevance far outweighs any risk of cumulativeness or confusion to the jury. (Flechsigs Decl. at ¶
12 4, Exhibit B/9-11.)

13 **III. CONCLUSION**

14 For the foregoing reasons, Plaintiff respectfully requests that the Court deny Defendant's
15 Motion in Limine to exclude the expert testimony of Dr. Marmureanu, or in the alternative, at
16 least provide the opportunity for a hearing pursuant to *Daubert v. Merrell Dow Pharms.*, 509
17 U.S. 579, 589 (1993) before ruling on the issue.

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19 DATED: July 15, 2025

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